

### **REMARKS**

The present Amendment amends cancels claims 1-20 and adds new claims 21 and 22. Therefore, the present application has pending claims 21 and 22.

In the Office Action the Examiner objected to claim 5 as containing various informalities. As indicated above, claim 5 was canceled. Therefore, this rejection is rendered moot.

Further, in the Office Action the Examiner rejected claims 1-20 under 35 USC §103(a) as being unpatentable over Kounoe (JP No. 8-289118) in view of Sood (U.S. Patent No. 5,721,762) and Ostroff (U.S. Patent No. 6,201,968). As indicated above, claims 1-20 were canceled. Therefore, this rejection is rendered moot.

It should be noted that the cancellation of claims 1-20 were not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 1-20 are taught or suggested by Kounoe, Sood or Ostroff whether taken individually or in combination with each other as suggested by the Examiner. The cancellation of claims 1-20 was simply intended to expedite prosecution of the present application.

As indicated above, the present Amendment adds new claims 21 and 22. New claims 21 and 22 are directed to a base station controller which is connected to a data communication network and a plurality of base stations which communicate with mobile stations. The base station controller of the present invention is intended to switch from a line set through a first base station to a line set though a second base station.

According to the present invention, the base station controller includes a reception interface which receives data to be transferred to the first base station from the communication network and a control unit which monitors data received by the reception interface to detect a timing at which data transmission and reception are not performed with the first base station and switches from the line set through the first base station to the line set through the second base station at the detected timing.

By use of the above described features of the present invention a base station controller is provided that perform handoffs without decreasing the number of simultaneous data communications that can be performed during data communication and without lowering the data transfer rate during the data communications.

The above described features of the present invention are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention now more clearly recited in new claims 21 and 22 are not taught or suggested by Kounoe, Sood or Ostroff whether taken individually or in combination with each other as suggested by the Examiner.

Kounoe discloses a radio communication device which can perform stable radio data communications by preventing frequent data missing, re-transmission of useless data, interruption of communication or redialing during the radio communication. To accomplish such Kounoe provides a control means which conducts control in response to data communications conducted via the radio

communication network such that when a channel changeover request is received during data communication, a data communication interrupt means interrupts transmission of data for a period of time to allow for channel changeover, and such that when a channel changeover request is received during data reception, a data communication interrupt means informs of the interruption of data reception by a time required for channel changeover.

The above described teachings of Kounoe do not anticipate nor render obvious the features of the present invention as now recited in new claims 21 and 22. According to the present invention, in contrast to that taught by Kounoe, a base station controller is provided which can perform handoff without decreasing the number of data communications to be carried out simultaneously during data communication and without lowering the data transfer rate during data communication. Thus, the present invention is directed to accomplishing a function entirely different from that taught by Kounoe.

In Kounoe, various interruptions of data transmission and reception is conducted so as to accomplish the object described therein. The present invention avoids such interruptions by providing a base station controller which monitors received data so as to detect a timing at which data transmission and reception are not being performed with the first base station. As per the present invention as recited in the claims, at such detected timing, the line is switched from the one set through the first base station to another line set through the second base station. Thus, the present invention avoids the interruptions taught by Kounoe.

Therefore, Kounoe fails to teach or suggest a control unit which monitors data received by the reception interface to detect a timing at which data transmission and reception are not performed with the first base station and switches from the line set through the first base station to the line set through the second base station at the detected timing as recited in the claims.

The above noted deficiencies of Kounoe are not supplied by any of the other references of record particularly Sood and Ostroff. Therefore, combining the teachings of Kounoe with one or more of the other references of record, particularly Sood and Ostroff, still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.

Sood merely teaches a system and method for using brief time intervals between cell phone telephone calls on a cellular network to transmit and receive data over a second data only network. Thus, it is quite clear that Sood does not teach or suggest the features of the present invention wherein the base station controller can perform handoffs without decreasing the number of data communications to be carried out simultaneously and without lowering the data transfer rate during data communications. Such features are clearly not taught or suggested by Sood.

Therefore, Sood fails to teach or suggest a control unit which monitors data received by the reception interface to detect a timing at which data transmission and reception are not performed with the first base station and switches from the line set through the first base station to the line set through the second base station at the detected timing as recited in the claims.

Ostroff teaches an enhanced radio communication system in which a subscriber unit has adequate neighbor list information to determine potential server sites for establishing or maintaining communications. Thus, the teachings of Ostroff are entirely different from that of the present invention. The present invention is directed to providing a base station controller which can perform handoffs without decreasing the number of simultaneous data communications and without lowering the data transfer rate during the data communications.

Therefore, Ostroff fails to teach or suggest a control unit which monitors data received by a reception interface to detect a timing at which data transmission and reception are not performed with the first base station and switches from the set forth through the first base station to the through the second base station at the detected timing as recited in the claims.

As is quite clear from the above, each of the references, Kounoe, Sood and Ostroff, suffers from the same deficiencies relative to the features of the present invention as now recited in new claims 21 and 22. Therefore, combining the teachings of Kounoe, Sood and Ostroff in the manner suggested by the Examiner still fails to teach or suggest the features of the present invention as now more clearly recited in the claims.


The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1-20.

In view of the foregoing amendments and remarks, Applicants submit that claims 21 and 22 are in condition for allowance. Accordingly, early allowance of claims 21 and 22 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (566.39480X00).

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Carl I. Brundidge', is written over a horizontal line.

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